

**MINUTES
DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE
BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY**

Wednesday, October 24, 2012

**Hilton Naples
5111 Tamiami Trail North
Naples, FL 34103
(239) 430-4900**

Call to Order

Barbara Gaunt-Jaehne, Au.D. Chair, called the meeting to order at 9:05 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Barbara Gaunt-Jaehne, Au.D., Chair
K. Paul Boyev, MD
Elena Pizarro-Zeigler, Au.D.
Peter Johnson, PhD, Vice Chair
Barry Pendry, PhD
Joseph Naulty

MEMBERS ABSENT:

None

STAFF PRESENT:

Anthony Jusevitch, Executive Director
Christy Robinson, Program Administrator
Rose Burney, Regulatory Specialist II
Donna McNulty, Board Counsel
Lealand McCharen, PSU

COURT REPORTER:

Martina Reporting
239-334-6545

Please note- the minutes reflect the actual order that items were discussed during the meeting and may deviate from the agenda outline.

Review and Approval of Minutes:

Tab 1 - Minutes from April 18, 2012 General Business Meeting

Action Taken: After discussion, Dr. Johnson moved to approve the minutes. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

New Disciplinary Cases:

Tab 2 - Marci Melzer – DOH Case #2008-10815 – Settlement Agreement

Allegations of Complaint: 468.1295(1)(bb) by violating 456.072(1)(j) – aid in unlicensed activity

Ms. Melzer was present without counsel. Mr. McCharen represented the Department and presented the case to the Board.

Action Taken: Dr. Johnson to accept the Settlement Agreement with the following penalties:

- Letter of Concern
- \$1000.00 fine to be paid within three (3) years of the Final Order
- Costs in the amount of \$2,500 to be paid within three (3) years of the Final Order
- Adoption of the Amended Administrative Complaint

Dr. Boyev seconded the motion, which passed unanimously.

Ms. McNulty provided the Board with instructions for handling hearings pursuant to Section 120.57(2), F.S.

Tab 3 - Ivis Marcia Plasencia – DOH Case #2010-24131 – Informal Hearing

Allegations of Complaint: 456.072(1)(c) – convicted of a crime related to the practice; 456.072(1)(II) – convicted of a crime related to healthcare fraud; 456.072(1)(x) – failing to report criminal conviction

Ms. Plasencia was not present or represented by counsel. Dr. Pizarro-Zeigler was recused due to participation on the probable cause panel. Mr. McCharen represented the Department and presented the case to the Board.

Dr. Gaunt-Jaehne moved to adopt the allegations of fact as presented in the administrative complaint. Dr. Johnson seconded the motion, which passed unanimously. Dr. Boyev moved to find the findings of fact support a violation of the statutes as charged in the administrative complaint. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously. Dr. Boyev moved to find the respondent in violation as charged in the administrative complaint. Dr. Johnson seconded the motion, which passed unanimously. Dr. Boyev moved to accept the investigate file as evidence. Dr. Johnson seconded the motion, which passed unanimously.

Action Taken: Dr. Johnson moved to revoke the license based on the nature of the crime and the amount of money involved in the crime. Dr. Boyev seconded the motion, which passed unanimously.

Mr. McCharen withdrew the Department's motion for costs based on the revocation.

Tab 4 - Marion (Weiss) Rosenberg – DOH Case #2012-02389 – Voluntary Relinquishment

Allegations of Complaint: 468.1295(1)(g) and 456.072(1)(q) – violating an order of the Board

Ms. Rosenberg was not present or represented by counsel. Mr. McCharen represented the Department and presented the case to the Board.

Action Taken: Dr. Boyev moved to accept the Voluntary Relinquishment. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

No Tab – PSU Report

Mr. McCharen provided an overview of the current caseload statistics.

Licensure Appearances:

Tab 5 - Alisha Plunkett Springle – Speech-Language Pathology Full Licensure

Ms. Springle was present without counsel. Ms. Springle was required to appear before the Board to discuss her application and professional history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Boyev seconded the motion, which passed unanimously.

Tab 6 - Amy Tingley – Speech-Language Pathology Full Licensure

Ms. Tingley was present without counsel. Ms. Tingley was required to appear before the Board to discuss her application and health history.

Action Taken: Dr. Pizarro-Zeigler moved to approve the application for licensure. Dr. Boyev seconded the motion, which passed unanimously.

Tab 7 - Angelica Maria Ramirez Quinones – Speech-Language Pathologist Provisional

Ms. Ramirez Quinones was not present or represented by counsel. Ms. Ramirez Quinones was required to appear before the Board to discuss her application and education history. Specifically, the program she attended was not accredited at the time of attendance.

Action Taken: Dr. Johnson moved to deny the application for licensure and allow Ms. Ramirez Quinones 14 days to withdraw the application. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously. Additional discussion of this item can be found after Tab 26 in the minutes.

Tab 8 - Dana Blair – Speech-Language Pathologist Provisional

Ms. Blair was present without counsel. Ms. Blair was required to appear before the Board to discuss her application, criminal and health history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Boyev seconded the motion, which passed unanimously.

Tab 9 - Jennifer Johnson – Speech-Language Pathologist Assistant

Ms. Johnson was present without counsel. Ms. Johnson was required to appear before the Board to discuss her application, criminal and professional history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Pendry seconded the motion, which passed unanimously.

Tab 10 - Dayani Aguirre – Speech-Language Pathologist Provisional

Ms. Aguirre was present without counsel. Ms. Aguirre was required to appear before the Board to discuss her application and education history.

Mr. Jusevitch explained the process of credentials evaluation agencies and their review of foreign transcripts.

Action Taken: Dr. Johnson moved to deny the application for licensure. The motion died with no second. After additional discussion, Dr. Pendry moved to approve the application for licensure. Dr. Pizarro-Zeigler seconded the motion, which passed with Dr. Johnson opposed.

Tab 11 - Anabel Alonso – Speech-Language Pathologist Provisional

Ms. Alonso was present without counsel. Ms. Alonso was required to appear before the Board to discuss her application and education history. The Board voiced concern regarding the lack of evidence of graduate level hours related to speech-language pathology. Specifically the Board asked for further explanation and course descriptions for all courses listed as graduate level courses on the Trust Forte evaluation. The course descriptions and explanation should come from the university but can be sent to the Board office by Trust Forte (if they have the information).

Action Taken: After much discussion, it was the consensus of the Board to require the above information and delegate authority to the application liaison to review the additional information. The liaison will either approve the application or refer the application back to the Board for additional review.

Tab 12 - Maria Calderon – Speech-Language Pathologist Provisional

Ms. Calderon was present without counsel. Ms. Calderon was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Boyev seconded the motion, which passed unanimously.

Tab 13 - Susana Guerra – Speech-Language Pathologist Provisional

Ms. Guerra was present without counsel. Ms. Guerra was accompanied by interpreter Anita Galbraith. Ms. Guerra was required to appear before the Board to discuss her application and education history. The Board voiced concern regarding the lack of evidence of graduate level hours related to speech-language pathology. Specifically the Board asked for further explanation and course descriptions for all courses listed as graduate level courses on the Trust Forte evaluation. The course descriptions and

1 explanation should come from the university but can be sent to the Board office by Trust Forte (if they
2 have the information).

3
4 **Action Taken:** After much discussion, it was the consensus of the Board to require the above
5 information and delegate authority to the application liaison to review the additional information. The
6 liaison will either approve the application or refer the application back to the Board for additional review.
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8 **Tab 14 - Lila Guerra – Speech-Language Pathologist Provisional**

9 Ms. Guerra was present without counsel. Ms. Guerra was required to appear before the Board to
10 discuss her application and education history. The Board voiced concern regarding the lack of evidence
11 of graduate level hours related to speech-language pathology. Specifically the Board asked for further
12 explanation and course descriptions for all courses listed as graduate level courses on the Trust Forte
13 evaluation. The course descriptions and explanation should come from the university but can be sent
14 to the Board office by Trust Forte (if they have the information).
15

16 Ms. McNulty asked Ms. Guerra if she wished to waive her ninety (90) day rights. Ms. Guerra waived her
17 ninety (90) day rights for the record.
18

19 **Action Taken:** After much discussion, it was the consensus of the Board to require the above
20 information and delegate authority to the application liaison to review the additional information. The
21 liaison will either approve the application or refer the application back to the Board for additional review.
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23 **Tab 15 - Ana Gutierrez – Speech-Language Pathologist Provisional**

24 Ms. Gutierrez was present without counsel. Ms. Gutierrez was required to appear before the Board to
25 discuss her application and education history. The Board voiced concern regarding the lack of evidence
26 of graduate level hours related to speech-language pathology. Specifically the Board asked for further
27 explanation and course descriptions for all courses listed as graduate level courses on the Trust Forte
28 evaluation. The course descriptions and explanation should come from the university but can be sent
29 to the Board office by Trust Forte (if they have the information).
30

31 Ms. McNulty asked Ms. Guerra if she wished to waive her ninety (90) day rights. Ms. Guerra waived her
32 ninety (90) day rights for the record.
33

34 **Action Taken:** After much discussion, it was the consensus of the Board to require the above
35 information and delegate authority to the application liaison to review the additional information. The
36 liaison will either approve the application or refer the application back to the Board for additional review.
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38 **Tab 17 - Adriana Madrid – Speech-Language Pathologist Provisional**

39 Ms. Madrid was present without counsel. Ms. Madrid was required to appear before the Board to
40 discuss her application and education history.
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42 **Action Taken:** Dr. Johnson moved to approve the application for licensure. Dr. Pendry seconded the
43 motion, which passed unanimously.
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45 **Tab 18 - Rossana Magarino – Speech-Language Pathologist Provisional**

46 Ms. Magarino was present without counsel. Ms. Magarino was required to appear before the Board to
47 discuss her application and education history.
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49 **Action Taken:** Dr. Gaunt-Jaehne moved to approve the application for licensure. Dr. Johnson
50 seconded the motion, which passed unanimously.
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52 **Tab 19 - Fabiola Mejia – Speech-Language Pathologist Provisional**

53 Ms. Mejia was present without counsel. Ms. Mejia was required to appear before the Board to discuss
54 her application and education history.
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Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

Tab 20 - Sandra Nunez – Speech-Language Pathologist Provisional

Ms. Nunez was present without counsel. Ms. Nunez was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Pizarro-Zeigler moved to approve the application for licensure. Dr. Johnson seconded the motion, which passed unanimously.

Tab 21 - Carmen Rafoso – Speech-Language Pathologist Provisional

Ms. Rafoso was present without counsel. Ms. Rafoso was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

Tab 22 - Yolexis Tejera – Speech-Language Pathologist Provisional

Ms. Tejera was present without counsel. Ms. Tejera was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Boyev seconded the motion, which passed unanimously.

Tab 23 - Gloria Torrente – Speech-Language Pathologist Provisional

Ms. Torrente was present without counsel. Ms. Torrente was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Pizarro-Zeigler moved to approve the application for licensure. Dr. Johnson seconded the motion, which passed unanimously.

Tab 24 - Ariadna Vazquez-Glaria – Speech-Language Pathologist Provisional

Ms. Vazquez-Glaria was present without counsel. Ms. Vazquez-Glaria was required to appear before the Board to discuss her application and education history. The Board voiced concern with the lack of documented clinical practice on the transcript. They also indicated she did not appear to have enough graduate level courses listed on the Trust Forte evaluation. The applicant indicated she had an additional transcript from Carlos Albizu University (Miami) that she would submit to the Board office.

Action Taken: After much discussion, it was the consensus of the Board to require the above information and delegate authority to the application liaison to review the additional information. The liaison will either approve the application or refer the application back to the Board for additional review.

Tab 25 - Ileansy Otero – Speech-Language Pathologist Provisional

Ms. Otero was present without counsel. Ms. Otero was required to appear before the Board to discuss her application and education history. Dr. Johnson indicated there was not enough information for the Board to determine if the applicant had enough graduate level courses.

Dr. Gaunt-Jaehne moved to table the application until later in the meeting so the applicant could decide how to proceed. Dr. Johnson seconded the motion, which passed unanimously. Additional discussion of this item can be found after Tab 7 in the minutes.

Tab 26 - Ludymar Rivera – Speech-Language Pathologist Provisional

Ms. Rivera was present without counsel. Ms. Rivera was required to appear before the Board to discuss her application and education history. Specifically, the program was not accredited at the time the applicant was enrolled.

Dr. Johnson recommended the applicant contact the Carlos Alibzu University and have the program director provide a letter verifying the program curriculum was the same at time the applicant graduated as it was when the university received accreditation from the American Speech-Language Hearing Association (ASHA). When this additional information is received the application liaison is delegated authority to review the correspondence and either approve the application or refer back to the Board.

Tab 7 (revisited) - Angelica Maria Ramirez Quinones – Speech-Language Pathologist Provisional

The applicant was not present during this portion of the discussion.

Action Taken: Dr. Gaunt-Jaehne moved to reconsider the previous motion and vacate the vote to deny. Dr. Johnson seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to require an appearance at the next meeting of the Board. Dr. Johnson seconded the motion, which passed unanimously.

Dr. Johnson recommended the applicant contact the Carlos Alibzu University and have the program director provide a letter verifying the program curriculum was the same at time the applicant graduated as it was when the university received accreditation from the American Speech-Language Hearing Association (ASHA). When this additional information is received the application liaison is delegated authority to review the correspondence and either approve the application or refer back to the Board.

Tab 25 (revisit) - Ileanys Otero – Speech-Language Pathologist Provisional

The Board indicated the applicant did not have enough graduate level hours. Specifically the Board asked for further explanation and course descriptions for all courses listed as graduate level courses on the Trust Forte evaluation. The course descriptions and explanation should come from the university but can be sent to the Board office by Trust Forte (if they have the information).

Action Taken: After much discussion, it was the consensus of the Board to require the above information and delegate authority to the application liaison to review the additional information. The liaison will either approve the application or refer the application back to the Board for additional review.

Tab 27 - Siliva Van Boom – Speech-Language Pathologist Provisional

Ms. Van Boom was present without counsel. Ms. Van Boom was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Boyev seconded the motion, which passed unanimously.

Tab 28 - Carolina Bancora - Speech-Language Pathologist Provisional

Ms. Bancora was present without counsel. Ms. Bancora was accompanied by her employer Emanuel Mudryj. Ms. Bancora was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

Tab 29 - Evelyn Zaidman - Speech-Language Pathologist Provisional

Ms. Zaidman was present without counsel. Ms. Zaidman was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

Tab 30 - Maria G. Lopez Cualla - Speech-Language Pathologist Provisional

Ms. Cualla was present without counsel. Ms. Cualla was required to appear before the Board to discuss her application and education history.

Action Taken: Dr. Johnson moved to approve the application for licensure. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

Tab 16 - Maria Hargrove – Speech-Language Pathologist Provisional

Ms. Hargrove was not present or represented by counsel. Ms. Hargrove was required to appear before the Board to discuss her application and education history. Correspondence from Ms. Hargrove indicated she may have taken additional hours at the Florida Atlantic University (FAU). Dr. Johnson indicated the applicant should submit the FAU transcript for further review. When the additional information is received, the application liaison is delegated authority to either approve the application or refer back to the Board

No Tab – Accepting Materials during the Meeting

Dr. Gaunt-Jaehne suggested the Board agree to a policy of not accepting materials during the Board meeting because it does not allow sufficient time for review. It was the consensus of the Board that materials should not be accepted at the meeting.

General Business / Correspondence:

Tab 31 - Joint Statement on Consumer-Administered Hearing Tests and Direct-to-Consumer Hearing Aid Sales

Informational item.

Tab 32 - Correspondence to FLASHA Regarding Foreign Trained Applicants

Informational item.

Tab 33 - Ratification of Licenses 4/3/2012 – 7/10/2012

Action Taken: Dr. Gaunt-Jaehne moved to approve the list as presented. Dr. Johnson seconded the motion, which passed unanimously.

Tab 34 - Email Regarding Sale of Hearing Aids

Informational item.

Telepractice Discussion:

Tab 35 - General Discussion (Reference Materials Provided at Previous Meetings are Included)

Ms. McNulty voiced concern that the statute may not provide enough authority for the Board to adopt broad language regarding telepractice. She noted that any perceived restrictions to practice may not be easily adopted if a rule required legislative ratification. She indicated she would search for statutory authority to adopt specific standards of practice if the Board would provide her with specific items to look at.

The Board voiced concern about not having telepractice guidelines in place as it could result in patient care issues. The Board also discussed the possibility of having a legislative change if necessary to implement telepractice rules.

Staff was asked to obtain the California telepractice model.

Reports:

A. Chair Report – Barbara Gaunt- Jaehne, Au.D., Chair

No report.

B. Board Counsel Report and Rules Discussion – Donna McNulty, Esq.

Tab 36 - Rules Report

Ms. McNulty provided an overview of the October 2012 rules report.

Tab 37 - Annual Regulatory Plan

Informational item.

Tab 38 - 64B20-3.007 – Active Status License Fee

Mr. Jusevitch elaborated on the proposal to reduce the active status license fee (renewal fee). There were several different projections based on possible fee changes. The projections also included reductions of the application fee and initial licensure fee. Dr. Pendry also provided input.

Action Taken: After discussion, Dr. Pizarro-Ziegler moved to reduce the renewal fee to \$100.00 and approve the draft language for 64B20-3.007. Dr. Johnson seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Gaunt-Jaehne moved to find that the proposed changes will not have an adverse impact on small businesses or directly or indirectly increase regulatory cost to any entity in excess of \$200.000 in the aggregate in Florida within one year after implementation of the rule and a SERC was not needed. Dr. Pizarro-Ziegler seconded the motion, which passed unanimously.

The Board directed staff to include draft language for 64B20-3.002 and 64B20-3.004 on the next agenda to reflect the appropriate fee scenario to coincide with the projections.

Tab 39 - Discussion Regarding Revised Activity and Supervisory Plan Forms

Mr. Jusevitch provided an overview of the revised draft forms. He explained use of the new forms would streamline the approval process by reducing staff review time. He also advised that staff was in the process of exploring possible on-line solutions for this process. Mr. Jusevitch also suggested using an attestation format in lieu of the current format.

It was the consensus of the Board to use the attestation format. Staff was asked to revise the form and present it at the next meeting for final approval.

Tab 40 - Discussion Regarding Criteria for Use of Credentialing Agencies

Ms. McNulty advised she will research the Board of Nursing process for approval of credentialing agencies and bring information back to the next Board meeting.

Tab 41 - Discussion Regarding the Authority to Require English Proficiency

Ms. McNulty opined the Board lacked statutory authority to require English Proficiency as a requirement for licensure.

Tab 46 - Application for Full Licensure (DH-SPA-1)

Tab 47 - Application for Provisional Licensure (DH-SPA-2)

Tab 48 - Application for Assistant Certification (DH-SPA-3)

Tab 49 - Verification of Employment for a Provisional Licensee (DH-SPA-2A) (Rule 64B20-2.003,

F.A.C.)

Tabs 46-49 were discussed and acted on as a group.

Ms. McNulty asked staff to add Chapter 456 to the applicant statement section of all the applications where applicable.

Action Taken: Dr. Boyev moved to approve the language and form as presented with the addition of Chapter 456 into the Applicant Statement sections and proceed with rulemaking. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

Action on SERC Questions: Gaunt-Jaehne moved to find that the proposed changes will not have an adverse impact on small businesses or directly or indirectly increase regulatory cost to any entity in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule and a SERC was not needed. Johnson seconded the motion, which passed unanimously.

C. Executive Director Report – Anthony Jusevitch, Executive Director

Tab 42 - Continuing Education at Renewal Project Update

Mr. Jusevitch explained the new renewal process would require licensees to have their continuing education completed and reported into CE Broker prior to being allowed to renew.

Tab 43 - Section 456.0635, F.S. Update

Informational item,

Tab 44 - Pending Issues and Things to do List from Previous Meeting(s)

Informational item.

D. Budget Liaison Report

Tab 45 - Expenditures by Function and Cash Balance report for Period Ending June 30, 2012

Informational item.

E. Board Liaison Reports:

Build Alliances/Communication – Dr. Gaunt-Jaehne

No report.

Community Relations – Mr. Naulty

Mr. Naulty advised the Board he will be resigning from the Board after this meeting. He also stated he attended the Deaf and Blind Association and was asked to speak on the Blind Matters Radio Show.

Continuing Education – Dr. Pendry

Dr. Pendry advised the Board he received and approved five (5) provider applications from Board Staff.

Laws and Rules – Dr. Pizarro-Zeigler

No report.

Unlicensed Activity – Dr. Pizarro-Zeigler (Au.D.) & (SLP)- Dr. Johnson

No report.

Old Business:

None

New Business:

None

There being no further business, the meeting was adjourned at 6:40 p.m.